

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**ARLENE CAMPBELL,**  
Plaintiff,

v.

**992 PERALTA LLC,**  
Defendant.

Case No. 17-cv-00189-YGR

**ORDER DISMISSING COMPLAINT FOR  
FAILURE TO STATE A CLAIM**

Re: Dkt. No. 5

On January 25, 2017, the Court granted plaintiff's application to proceed *in forma pauperis*, and dismissed her complaint for failure to state any claims upon which relief could be granted. (Dkt. No. 4.) In an abundance of caution, the Court gave plaintiff leave to file an amended complaint no later than February 24, 2017. (*Id.*) Plaintiff filed an amended complaint on that date.


The *in forma pauperis* statute provides that a court shall dismiss any action proceeding *in forma pauperis* "at any time if the court determines that . . . the action or appeal . . . fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2); *see also Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) ("It is also clear that section 1915(e) not only permits but requires a district court to dismiss an *in forma pauperis* complaint that fails to state a claim."). The Court finds that the complaint is plagued with the same deficiencies that warranted dismissal in the first instance. Plaintiff appears to claim that federal jurisdiction exists under the Endangered Species Act and the American Disabilities Act, yet alleges no facts to support claims under the same or under any viable cause of action. Thus, the Court finds that plaintiff has not alleged any cognizable claims, nor has she shown that this Court would properly have subject matter jurisdiction, in any event.

1 Accordingly, and because the Court finds that amendment here would be futile, the Court  
2 **DISMISSES** the instant action without leave to amend.

3 This Order terminates the action, and the Clerk shall close the file.

4 **IT IS SO ORDERED.**

5 Dated: March 9, 2017

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7 YVONNE GONZALEZ ROGERS  
8 UNITED STATES DISTRICT COURT JUDGE  
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